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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA - FRESNO

WAYNE BILLINGSLEY, WAVA BILLINGSLEY)	CASE NO. CIV F 02 5853 REC DLB
AND CALIFORNIA AGRI SPRAYERS, INC.,)	(NEW DJ)
A California Corporation)	
)	JOINT STIPULATION TO VACATE
)	TRIAL DATE, AND TO RESCHEDULE
)	TRIAL DATE
Plaintiffs,)	
)	
vs.)	[Local Rule 78-230(g); 83-143]
)	
LOVELAND INDUSTRIES, INC. d.b.a.)	
UAP WEST, a Colorado Corporation and)	
DOES 1 through 50, inclusive)	
)	
Defendant(s))	
_____)	

COME NOW PLAINTIFF CALIFORNIA AGRI SPRAYERS, INC. BY AND THROUGH THEIR ATTORNEY OF RECORD GERALD M. LEVERETT AND DEFENDANTS LOVELAND INDUSTRIES, INC. D.B.A. UAP WEST BY AND THROUGH THEIR ATTORNEYS OF RECORD GORDON & REES, KEVIN ALEXANDER AND BRIAN LEDGER, WHO STIPULATE TO VACATE THE CURRENT TRIAL DATE AND TO CONTINUE TRIAL IN THE WITHIN ACTION; AND WHICH STIPULATION PROVIDES:

BACKGROUND:

1. On September 9, 2006 the Honorable Oliver Wanger executed an Order on Join Stipulation to Vacate Pretrial Date, Trial Date and to reschedule Pretrial and Trial dates.
2. The above Order was filed with the Clerk of the Court on September 20, 2006.
3. Upon receiving the Court's Order counsel discovered that there was a calendar conflict for the date set for Trial, February 27, 2007.
4. Upon discovery of the conflict counsel immediately contacted the Court's Clerk and alerted the Clerk to the conflict.
5. It was decided, with the consent and permission of the Court's Clerk, that the current Trial date of February 27, 2007 would be vacated and a new Trial date of March 13, 2007 would be ordered. It is further agreed that the current Pretrial Statement due date would remain unchanged and that the current Pretrial date of January 16, 2007 remaining unchanged.

STIPULATION

WHEREFORE, based upon the above facts, the parties hereto stipulate to:

1. Vacate the current Trial date of February 27, 2007.
2. Reschedule the Trial date to March 13, 2007.
3. The Pretrial Statement date is to remain unchanged.

4. The Pretrial Conference date is to remain January 16, 2007 at 11:00 a.m. in Department 3 of the United States District Court.

So stipulated.

Date: September 21, 2006

Gerald M. Leverett /S/
California Agri Sprayers
By Gerald M. Leverett, Esq.

So Stipulated.

Date: September 21, 2006

Brian Ledger /S/
Loveland Industries, Inc. d.b.a.
UAP West
By Brian Ledger, Esq.

ORDER

The Court, having considered the Joint Stipulation of the parties hereto to vacate the current Trial date of February 27, 2007 and, GOOD CAUSE APPEARING,

The Court hereby approves the Stipulation.

The Court does hereby vacate the current Trial date of February 27, 2007.

It is FURTHER ORDERED that the Pretrial Conference remain on January 16, 2007 at 11:00 a.m. in Department 3 of this Court.

It is FURTHER ORDERED that Trial in the above referenced matter is rescheduled for March 13, 2007 at 9:00 a.m. in Department 3 of the above referenced court.

IT IS ORDERED.

DATE: ____September 27_____, 2006

/s/ OLIVER W. WANGER_____
OLIVER WANGER
U. S. DISTRICT JUDGE